

May 7, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

Clerk, U.S. District Court
District of Montana
Missoula Division

SCHMAUS FAMILY PROPERTIES
INC. and JOSEPH H. SCHMAUS,

Plaintiffs,

vs.

UNITED STATES BUREAU OF
LAND MANAGEMENT, et al.,

Defendants.

CV 17-68-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations in this case on March 27, 2018, recommending that Plaintiff Schmaus Family Properties, LLC's Motion to Amend Complaint and to Extend Time for Service of Summons and Complaint (Doc. 4) be denied, and that Plaintiff Schmaus Family Properties, LLC be dismissed without prejudice. Schmaus Family Properties, LLC has failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, the Court agrees with

Judge Johnston.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 7) are ADOPTED IN FULL. Plaintiff's Motion to Amend Complaint and to Extend Time for Service of Summons and Complaint (Doc. 4) is DENIED with respect to Plaintiff's request for an extension of time to file proof of service on each the Defendants.

IT IS FURTHER ORDERED that Plaintiff Schmaus Family Properties, LLC is DISMISSED WITHOUT PREJUDICE.

DATED this 7th day of May, 2018.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court